



# San Diego City Attorney **MICHAEL J. AGUIRRE**

## NEWS RELEASE

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### **CITY ATTORNEY MICHAEL AGUIRRE'S LEGAL ACTION PLAN TO ADDRESS CITY'S FINANCIAL CONDITION** **Memorandum to Mayor and City Council delivered on February 22, 2005**

San Diego, CA: City Attorney Michael Aguirre released his legal action plan to address the City's financial condition. The recommendations were provided in a memorandum to the Mayor and City Council. The following is a summary of the City Attorney's 8 recommendations:

**Recommendation No. 1:** That the Mayor and City Council conditionally accept on behalf of the City of San Diego the materials and findings contained in San Diego City Attorney's First and Second Interim Reports.

**Recommendation No. 2:** That the Mayor, City Council, and outside counsel Vinson & Elkins authorize the San Diego City Attorney to engage in negotiations regarding an offer of compromise to the Securities & Exchange Commission (SEC) on behalf of the City of San Diego.

**Recommendation No. 3:** That the Mayor and City Council authorize the City Attorney to take all legal steps necessary to rescind any and all unlawful pension benefits authorized in violation of either California State Law or the San Diego City Charter.

**Recommendation No. 4:** That the Mayor and City Council authorize the City Attorney to take all legal steps necessary to place the San Diego City Retirement System (SDCERS) in receivership.

**Recommendation No. 5:** That the Mayor and City Council adopt a resolution calling upon the SDCERS and/or the SDCERS receiver to waive attorney-client and closed session confidentiality privileges in order to provide all requested documents, materials, and communications to KPMG, the U.S. Attorney, the SEC, and the City Attorney.

**Recommendation No. 6:** That the Mayor and City Council adopt a resolution calling upon the SDCERS Board to comply with the City Attorney's reinstatement as the legal counsel for SDCERS.

**Recommendation No. 7:** That the Mayor and City Council authorize the City Attorney to prepare ordinances and resolutions necessary for the creation of a City Council Audit Committee.

**Recommendation No. 8:** That the Mayor and City Council authorize the City Attorney to prepare ordinances and resolutions necessary for the creation of a Pension Regulatory Commission to establish related pension regulation reforms.

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